

IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF  
WEST VIRGINIA AT BECKLEY

DAVID M. DAUGHERTY,

PLAINTIFF

V.

CIVIL ACTION NO. 5:14-245060

EQUIFAX INFORMATION SERVICES LLC  
and OCWEN LOAN SERVICING, LLC,

DEFENDANTS

**PLAINTIFF'S RESPONSES TO DEFENDANT OCWEN LOAN SERVICING, LLC'S FIRST  
SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

**INTERROGATORIES**

1. Please state with particularity all facts relating to your contentions in Count IV of your Complaint that Ocwen willfully violated § 1681 s-2(b) of the FCRA. In your response, identify all persons with knowledge of such response and/or the facts set forth in this response, and identify all documents which relate to or support your response to this Interrogatory.

**ANSWER:** Ocwen repeatedly failed and refused to remove improper reportings, despite repeated disputes with explicit references to the incorrect information. Further, Ocwen continuously listed Plaintiff as 120 days past due while simultaneously reporting he was current, which is facially impossible and was not rectified even after being alerted to the mistake. A reasonable reinvestigation would have shown that two reportings for the same account were not correct.

13. Please produce all documents and communications supporting or relating to your claim in Count V of the Complaint that Ocwen violated West Virginia Code section 46A-2127(d).

**RESPONSE:** See attached. Plaintiff will also rely upon documents produced by Equifax and Ocwen in discovery in this matter.

14. Please produce all documents and communications supporting or relating to your claim in Count V of the Complaint that Ocwen had a special relationship with you and/or was negligent.

**RESPONSE:** See attached. Plaintiff will also rely upon documents produced by Equifax and Ocwen in discovery in this matter.

16. Please produce all documents and communications you have reviewed, referred to, or relied upon, in responding to Ocwen's First Set of Interrogatories.

**RESPONSE:** See attached. Plaintiff will also rely upon documents produced by Equifax and Ocwen in discovery in this matter.

17. Please produce all documents and communications that you may introduce at the trial of this matter.

**RESPONSE:** See attached. Plaintiff will also rely upon documents produced by Equifax and Ocwen in discovery in this matter.

18. Please produce all non-privileged documents or communications you reviewed, referred to, or relied upon, in drafting your Complaint.

**RESPONSE:** See attached.

19. Please produce all documents and communications between you and any third party related to the allegations made in the Complaint.

**RESPONSE:** See attached. Plaintiff will also rely upon documents produced by Equifax and Ocwen in discovery in this matter.

20. As you are seeking attorneys' fees in this matter, please provide a copy of your retainer agreement with your counsel of record and any other attorney for whom you are seeking fee reimbursement. In considering your response, note that the attorney-client privilege extends to confidential disclosures made by a client to an attorney in order to obtain legal assistance. *Fisher v. United States*, 425 U.S. 391, 403, 96 S. Ct. 1569, 1577, 48 L.Ed.2d 39 (1976). Moreover, in the absence of unusual circumstances, the privilege does not shield the fact of retention, the identity of clients, and fee arrangements. *In re Semel*, 411 F.2d 195, 197 (3d Cir.), cert. denied, 396 U.S. 905, 90 S. Ct. 220, 24 L.Ed.2d

62. Please produce all documents, notes, and memoranda involving the facts involved in this case that have been reviewed by each person whom you identify as an expert in this litigation.

**RESPONSE:** See attached. Plaintiff will also rely upon documents produced by Equifax and Ocwen in discovery in this matter.

63. For each fact witness and/or expert witness you believe may have knowledge of any of the facts, events, or matters alleged in your Complaint, the Answer filed by Ocwen and/or may have formed any opinion or consulted with you about the facts or basis of this lawsuit or any defense or allegation you have raised in this lawsuit, please produce all affidavits, transcripts or other recordings of deposition or other sworn testimony, and/or report which contains testimony or opinion(s) of such witness(es) regarding the FCRA.

**RESPONSE:** Ocwen has received Plaintiff's expert's CV and can request any specific information relating to the expert based upon that.

**DAVID M. DAUGHERTY**

BY COUNSEL

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& POLLARD, *pllc*

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